

0200334

Administrative Record
SF File Number

1040400

Site East Helena
File # 10404.00 and 2.06
Confidential: Yes ☐ No ☒
Admin. Record: Yes ☒ No ☐
Key Words/Comments: _____

(2nd letter sent by SRC
inadvertently)

2nd letter?

1262257 - R8 SDMS

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ASARCO Incorporated
Attn: Jon C. Nickel
Industrial Quality Manager
Box 1230
East Helena, Montana 59635

Re: Further Request for
Information Pursuant to
Section 104 of
CERCLA re East Helena
Smelter Site

Dear Mr. Nickel:

EPA's investigation of the East Helena Smelter Site located in East Helena, Montana, requires further inquiry into the identification, nature, and quantity of materials that have been generated, treated, stored, or disposed of at, or transported to, the Site and the nature and extent of the release or threatened release of hazardous substances, pollutants, or contaminants at and from the Site.

Accordingly, pursuant to the authority of section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), as amended, you are hereby requested to respond to the Information Request attached to this letter. Compliance with this Information Request is mandatory. Your response is due within 15 days of your receipt of this letter.

Your response to this Information Request should be mailed to:

Scott Brown, 8MO
U.S. Environmental Protection Agency
301 South Park
Drawer 10096
Helena, Montana 59626

0200335

If you have any questions relating to this Information Request, you may consult with EPA prior to the compliance period. Please direct technical questions to Scott Brown at (406) 585-5414.

Please direct legal questions to Suzanne Bohan at (303) 293-1458. Thank you for your cooperation in this matter.

Sincerely,

Robert L. Duprey, Director
Hazardous Waste Management
Division

Attachment

cc: (w/attachment)

Suzanne Bohan, 8RC

Scott Brown, 8MO-RPM

0200336

tell MikeQUESTIONS:

1. Please provide any and all records or documentation regarding the past or present existence of process fluid lines, pipes, ditches, or any other fluid connections between the former zinc fuming plant and a) Lower Lake and/or b) Thornock Lake.
2. Regarding Question No. 1 above, please provide complete documentation of the chemical constituents of the process fluids, particularly the metal s concentration s.
3. Please provide any and all records or documentation of "contact water" used or produced in any manner by the zinc fuming plant from 1927 through 1972 during Anaconda Company's operation of the plant.
4. Regarding Question No. 3 above, please provide:
 - a. complete documentation of the fate of the "contact water", and
 - b. identify all chemical constituents, particularly metals concentrations.

0200337

INSTRUCTIONS FOR COMPLETING YOUR RESPONSE

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. For purposes of clarity, please restate each question prior to stating your response.
3. Any documents referred to in or relevant to any answer or relied on or used by you to answer any question in this Request for Information (the "Request") must be copied and submitted to EPA with your responses. All documents submitted by you must contain a notation indicating the question to which they are responsive.
4. If any question cannot be answered in full, answer to the extent possible and use estimates if specific information is not available. If your responses are qualified in any manner, please explain.
5. This request applies to documents and information within your possession or control, including, without limitation, all documents and information within the possession or control of any agent, attorney, consultant, employee, investigator, or third person, without regard to the date of the document.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secret. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in a manner described in 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim. In addition, section 104(e)(7) of CERCLA, as amended, 42 U.S.C. § 9607(e)(7), contains additional proscriptions concerning claims of business

0200338

confidentiality in connection with this request.

7. If information responsive to this Request is not in your possession, custody or control, then identify the persons from whom such information may be obtained.
8. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
9. If information or documentation is not available or not known, submission of a response should include any and all methods, means, and processes used to obtain the requested information, as well as all persons contacted, all documents reviewed, and any other source of information reviewed prior to submitting a response.

DEFINITIONS

1. The term "you" or "your" refers to the person, company, or entity to whom this letter is directed and includes any officer, employee, agent, servant, attorney, engineer, or subgroup or any other entity acting on your behalf.
2. The term "document" refers to any original, copy, or draft of any handwritten, typewritten, printed, graphic, or electronically recorded information and shall include without limitation, correspondence, notes, memoranda, reports, manuals, inter-office communications, records, charts, photographs, bills, travel summaries or logs, diaries or itineraries, transcripts, statements, tape recordings, computer printouts or software, contracts, insurance policies, shipping documents, bills of lading, manifests, invoices, weight tickets, annual reports, analytical worksheets, chromatographs, or other tangible records of any nature or kind. Any document that contains marginal notes shall be considered a separate document.
3. The term "person" refers to any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

0200339

4. The term "contact water" means any fluid used in the smelting or fuming processes that would have come into contact with metalbearing slag, concentrates, or other materials, including by products of the zinc fuming processes. This includes washdown water or water used to suppress dust at the zinc plant. This includes washdown water or water used to suppress dust at the zinc plant.
5. The term "identity" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.